



General Assembly

**Substitute Bill No. 5273**

January Session, 2007

\* \_\_\_\_\_ HB05273PS\_JUD030707 \_\_\_\_\_ \*

**AN ACT CONCERNING LAW ENFORCEMENT AND MISSING PERSONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2007*) For the purposes of  
2       sections 2 to 8, inclusive, of this act, "law enforcement agency" means  
3       the Division of State Police within the Department of Public Safety or  
4       any municipal police department.

5       Sec. 2. (NEW) (*Effective October 1, 2007*) (a) A law enforcement  
6       agency shall accept without delay any report of a missing person.

7       (b) No law enforcement agency may refuse to accept a missing  
8       person report on the basis that:

9       (1) The missing person is an adult;

10      (2) The circumstances do not indicate foul play;

11      (3) The missing person has been missing for a short period of time;

12      (4) The missing person has been missing for a long period of time;

13      (5) There is no indication that the missing person was in the  
14      jurisdiction served by the law enforcement agency at the time of the  
15      disappearance;

16       (6) The circumstances suggest that the disappearance may be  
17 voluntary;

18       (7) The person reporting does not have personal knowledge of the  
19 facts;

20       (8) The person reporting cannot provide all of the information  
21 requested by the law enforcement agency; or

22       (9) The person reporting lacks a familial or other relationship with  
23 the missing person.

24       (c) No law enforcement agency may refuse to accept a missing  
25 person report for any reason except where the law enforcement agency  
26 has direct knowledge that the person is, in fact, not missing and the  
27 exact whereabouts and welfare of the person are known to the agency  
28 at the time the report is being made.

29       Sec. 3. (NEW) (*Effective October 1, 2007*) At the time a missing person  
30 report is filed, the law enforcement agency shall seek to ascertain and  
31 record as much of the following information about the missing person  
32 as is available:

33       (1) Name, including any alias;

34       (2) Date of birth;

35       (3) Identifying marks, including, but not limited to, birthmarks,  
36 moles, tattoos and scars;

37       (4) Height and weight;

38       (5) Gender;

39       (6) Race;

40       (7) Current hair color and true or natural hair color;

41       (8) Eye color;

- 42       (9) Prosthetics, surgical implants or cosmetic implants;
- 43       (10) Physical anomalies;
- 44       (11) Blood type;
- 45       (12) Any medications the missing person is taking or needs to take;
- 46       (13) Driver's license number;
- 47       (14) Social security number;
- 48       (15) A recent photograph of the missing person;
- 49       (16) A description of the clothing the missing person was believed  
50 to be wearing at the time of disappearance;
- 51       (17) A description of notable items that the missing person may be  
52 carrying and wearing;
- 53       (18) Information on the missing person's electronic communications  
54 devices, such as a cellular telephone number or electronic mail  
55 address;
- 56       (19) The reasons why the reporting person believes that the person  
57 is missing;
- 58       (20) Name and location of the missing person's school or employer;
- 59       (21) Name and location of the missing person's dentist and primary  
60 care physician;
- 61       (22) Any circumstances that may indicate that the disappearance  
62 was not voluntary;
- 63       (23) Any circumstances that indicate that the missing person may be  
64 at risk of injury or death;
- 65       (24) A description of the possible means of transportation of the

66 missing person, such as the make, model, color, license plate number  
67 and vehicle identification number of a motor vehicle;

68 (25) Any identifying information about a known or possible  
69 abductor or the person last seen with the missing person including: (A)  
70 Name; (B) physical description; (C) date of birth; (D) identifying  
71 marks; (E) the description of the possible means of transportation, such  
72 as the make, model, color, license plate number and vehicle  
73 identification number of a motor vehicle; and (F) known associates;

74 (26) Date of last contact; and

75 (27) Any other information that may aid in locating the missing  
76 person.

77 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) The law enforcement  
78 agency shall notify the person making the report, a family member or  
79 any other person in a position to assist the law enforcement agency in  
80 its efforts to locate the missing person by providing to that person or  
81 family member:

82 (1) General information about the handling of the missing person  
83 case or about intended efforts in the case to the extent that the law  
84 enforcement agency determines that disclosure would not adversely  
85 affect its ability to locate or protect the missing person or to apprehend  
86 or prosecute any person criminally involved in the disappearance; and

87 (2) Information advising the person making the report and other  
88 involved persons that if the missing person remains missing, they  
89 should contact the law enforcement agency to provide additional  
90 information and materials that will aid in locating the missing person,  
91 including, but not limited to, any credit or debit cards the missing  
92 person has access to, other banking or financial information and any  
93 records of cellular telephone use.

94 (b) In those cases where DNA samples are requested, the law  
95 enforcement agency shall notify the person or family member that all

96 such DNA samples are provided on a voluntary basis and shall be  
97 used solely to help locate or identify the missing person and shall not  
98 be used for any other purpose.

99 (c) The law enforcement agency, upon acceptance of a missing  
100 person report, shall inform the person filing the report that there are  
101 two clearinghouses for missing persons' information. If the person  
102 reported missing is seventeen years of age or under, the person filing  
103 the report shall be provided with contact information for the National  
104 Center for Missing and Exploited Children. If the person reported  
105 missing is eighteen years of age or older, the person filing the report  
106 shall be provided with contact information for the National Center for  
107 Missing Adults.

108 (d) If the person identified in the missing person report remains  
109 missing for seventy-two hours, and the additional information and  
110 materials specified in subdivisions (1) to (4), inclusive, of this  
111 subsection have not been received, the law enforcement agency shall  
112 attempt to obtain:

113 (1) DNA samples from family members and, if possible, from the  
114 missing person, along with any needed documentation, including any  
115 consent forms required for the use of state or federal DNA databases;

116 (2) Dental information and x-rays, and an authorization to release  
117 dental or skeletal x-rays of the missing person;

118 (3) Any additional photographs of the missing person that may aid  
119 the investigation or an identification; and

120 (4) Fingerprints.

121 (e) The law enforcement agency shall not be required to obtain  
122 written authorization before it releases publicly any photograph that  
123 may aid in the investigation or identification of the missing person.

124 (f) All DNA samples obtained in a missing person case shall be

125 immediately forwarded to the Division of Scientific Services within the  
126 Department of Public Safety for analysis. The division shall establish  
127 written procedures for determining how to prioritize analysis of the  
128 samples relating to missing persons cases.

129 (g) Information relevant to the Federal Bureau of Investigation's  
130 Violent Criminal Apprehension Program shall be entered as soon as  
131 possible.

132 (h) Nothing in this section shall be construed to preclude a law  
133 enforcement agency from obtaining any of the materials identified in  
134 subsection (d) of this section before the thirtieth day following the  
135 filing of the missing person report.

136 Sec. 5. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this  
137 section and sections 6 to 8, inclusive, of this act, "high risk missing  
138 person" means a person whose whereabouts are not currently known  
139 and the circumstances indicate that the person may be at risk of injury  
140 or death.

141 (b) The circumstances that indicate that a person is a high risk  
142 missing person include, but are not limited to, any of the following:

143 (1) The person is missing as a result of a stranger abduction;

144 (2) The person is missing under suspicious circumstances;

145 (3) The person is missing under unknown circumstances;

146 (4) The person is missing under known dangerous circumstances;

147 (5) The person is missing more than thirty days;

148 (6) The person has already been designated as a high risk missing  
149 person by another law enforcement agency;

150 (7) There is evidence that the person is at risk because:

151 (A) The person is in need of medical attention, or prescription  
152 medication;

153 (B) The person does not have a pattern of running away or  
154 disappearing;

155 (C) The person may have been abducted by a noncustodial parent;

156 (D) The person is mentally impaired;

157 (E) The person is under twenty-one years of age; or

158 (F) The person has been the subject of past threats or acts of  
159 violence; and

160 (8) Any other factor that may, in the judgment of the chief of the law  
161 enforcement agency receiving the missing person report, indicate that  
162 the person may be at risk.

163 Sec. 6. (NEW) (*Effective October 1, 2007*) (a) Upon the initial receipt of  
164 a missing person report, a law enforcement agency shall seek to  
165 determine whether the person reported missing is a high risk missing  
166 person.

167 (b) A finding that a person reported missing is not a high risk  
168 missing person shall not preclude a later determination, based on  
169 further investigation or the discovery of additional information, that  
170 the missing person is a high risk missing person.

171 Sec. 7. (NEW) (*Effective October 1, 2007*) (a) Whenever a law  
172 enforcement agency determines that a missing person is a high risk  
173 missing person, it shall notify the unit of the Division of State Police  
174 within the Department of Public Safety that investigates missing  
175 persons. The law enforcement agency shall immediately provide the  
176 unit with the information that is most likely to aid in the location and  
177 safe return of the high risk missing person. As soon as practicable, the  
178 law enforcement agency shall provide all other information obtained

179 relating to the missing person case to the unit.

180 (b) The unit of the Division of State Police within the Department of  
181 Public Safety that investigates missing persons shall promptly notify  
182 all law enforcement agencies within the state and, if deemed  
183 appropriate, law enforcement agencies in adjacent states or  
184 jurisdictions of the information that may aid in the prompt location  
185 and safe return of the high risk missing person.

186 (c) Local law enforcement agencies that receive notification from the  
187 unit of the Division of State Police within the Department of Public  
188 Safety that investigates missing persons pursuant to subsection (b) of  
189 this section shall forward that information immediately to any of its  
190 sworn members.

191 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) The unit of the Division  
192 of State Police within the Department of Public Safety that investigates  
193 missing persons shall, as appropriate, enter all collected information  
194 relating to the missing person case to applicable federal databases. The  
195 information shall be provided in accordance with applicable  
196 guidelines relating to the databases, as follows:

197 (1) A missing person report, and relevant information, in a high risk  
198 missing person case shall be entered in the National Crime  
199 Information Center database immediately, but not later than two hours  
200 after the determination that the missing person is a high risk missing  
201 person.

202 (2) A missing person report, and relevant information, in a case not  
203 involving a high risk missing person shall be entered in the National  
204 Crime Information Center database not later than twenty-four hours  
205 after the initial filing of the missing person report.

206 (3) All DNA profiles shall be uploaded into the missing persons  
207 database of the Division of Scientific Services of the Department of  
208 Public Safety and all appropriate and suitable federal database  
209 systems.



210 (4) Information relevant to the Federal Bureau of Investigation's  
211 Violent Criminal Apprehension Program shall be entered as soon as  
212 practicable.

213 (b) All due care shall be given to ensure that the data, particularly  
214 medical and dental records, entered in state and federal databases is  
215 accurate and, to the greatest extent possible, complete.

216 (c) The Division of State Police within the Department of Public  
217 Safety shall, when deemed appropriate and likely to facilitate a  
218 resolution to a particular missing person report, activate the  
219 emergency alert system that broadcasts or disseminates information  
220 concerning the abduction of a child.

221 Sec. 9. (NEW) (*Effective October 1, 2007*) (a) The Police Officer  
222 Standards and Training Council shall provide information to local law  
223 enforcement agencies about best practices and protocols for handling  
224 death scene investigations.

225 (b) The Police Officer Standards and Training Council shall identify  
226 any publications or training opportunities that may be available to  
227 local law enforcement officers concerning the handling of death scene  
228 investigations.

229 Sec. 10. (NEW) (*Effective October 1, 2007*) (a) After performing any  
230 death scene investigation, as deemed appropriate under the  
231 circumstances, the official with custody of the human remains shall  
232 ensure that the human remains are delivered to the Office of the Chief  
233 Medical Examiner.

234 (b) The Chief Medical Examiner shall make reasonable attempts to  
235 promptly identify human remains. These actions may include, but are  
236 not limited to, obtaining:

237 (1) Photographs of the human remains;

238 (2) Dental or skeletal x-rays;

239 (3) Photographs of items found with the human remains;

240 (4) Fingerprints from the human remains, if possible;

241 (5) Samples of tissue suitable for DNA typing, if possible;

242 (6) Samples of whole bone or hair suitable for DNA typing; and

243 (7) Any other information that may support identification efforts.

244 (c) No person shall dispose of or engage in actions that will  
245 materially affect the unidentified human remains before the Chief  
246 Medical Examiner obtains (1) samples suitable for DNA identification,  
247 and (2) photographs of the unidentified human remains, and all other  
248 appropriate steps for identification have been exhausted.

249 (d) Unidentified human remains shall not be cremated.

250 (e) The Chief Medical Examiner shall obtain prompt DNA analysis  
251 of biological samples if the human remains have not been identified by  
252 other means not later than thirty days after the discovery of such  
253 remains.

254 (f) The Chief Medical Examiner shall seek support from appropriate  
255 state and federal agencies to assist in the identification of unidentified  
256 human remains. Such assistance may include, but not be limited to,  
257 available mitochondrial or nuclear DNA testing, federal grants for  
258 DNA testing or federal grants for crime laboratory or medical  
259 examiner office improvement.

260 (g) The Chief Medical Examiner shall promptly enter information in  
261 state and federal databases that may aid in the identification of a  
262 missing person. Information shall be entered into federal databases as  
263 follows:

264 (1) Information for the National Crime Information Center shall be  
265 entered within twenty-four hours;

266 (2) DNA profiles and information shall be entered into the National  
267 DNA Index System (NDIS) not later than five business days after the  
268 completion of the DNA analysis and procedures necessary for the  
269 entry of the DNA profile; and

270 (3) Information sought by the Violent Criminal Apprehension  
271 Program database shall be entered as soon as practicable.

272 (h) Nothing in this section shall be construed to preclude the Office  
273 of the Chief Medical Examiner or a law enforcement agency from  
274 taking other actions to facilitate the identification of unidentified  
275 human remains including, but not limited to, efforts to publicize  
276 information, descriptions or photographs that may aid in the  
277 identification of the unidentified human remains, including allowing  
278 family members to identify a missing person, provided, in taking these  
279 actions, all due consideration shall be given to protect the dignity and  
280 well-being of the missing person and the family of the missing person.

281 (i) Agencies handling the remains of a missing person shall notify  
282 the law enforcement agency handling the missing person's case.  
283 Documented efforts must be made to locate family members of the  
284 deceased person to inform them of the death and location of the  
285 remains of their family member.

286 Sec. 11. Section 53a-116 of the general statutes is repealed and the  
287 following is substituted in lieu thereof (*Effective October 1, 2007*):

288 (a) A person is guilty of criminal mischief in the second degree  
289 when: (1) With intent to cause damage to tangible property of another  
290 and having no reasonable ground to believe that such person has a  
291 right to do so, such person damages tangible property of another in an  
292 amount exceeding two hundred fifty dollars; or (2) with intent to cause  
293 an interruption or impairment of service rendered to the public and  
294 having no reasonable ground to believe that such person has a right to  
295 do so, such person damages or tampers with tangible property of a  
296 public utility or mode of public transportation, power or

297 communication, and thereby causes a risk of interruption or  
 298 impairment of service rendered to the public; [or] (3) with intent to  
 299 cause damage to tangible property owned by the state or a  
 300 municipality that is located on public land and having no reasonable  
 301 ground to believe that such person has a right to do so, such person  
 302 damages such tangible property in an amount exceeding two hundred  
 303 fifty dollars; or (4) with intent to cause damage to tangible property of  
 304 another and having no reasonable ground to believe that such person  
 305 has a right to do so, such person removes or defaces an official missing  
 306 person or wanted person poster.

307 (b) Criminal mischief in the second degree is a class A  
 308 misdemeanor.

309 Sec. 12. (NEW) (*Effective October 1, 2007*) The Commissioner of  
 310 Public Safety shall arrange for the collection and distribution of  
 311 information on the best available procedures for handling death scene  
 312 investigations and missing persons investigations and shall furnish  
 313 such information to the chief elected local official of each municipality.

314 Sec. 13. Sections 29-1e and 29-1f of the general statutes are repealed.  
 315 (*Effective October 1, 2007*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007</i>	New section
Sec. 6	<i>October 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	New section
Sec. 8	<i>October 1, 2007</i>	New section
Sec. 9	<i>October 1, 2007</i>	New section
Sec. 10	<i>October 1, 2007</i>	New section
Sec. 11	<i>October 1, 2007</i>	53a-116
Sec. 12	<i>October 1, 2007</i>	New section

Sec. 13	<i>October 1, 2007</i>	Repealer section
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***PS***

*Joint Favorable Subst. C/R*

JUD